

# **NRC Review of NEI 04-01, Revision D: Draft Industry Guideline for Combined License Applicants Under 10 CFR Part 52**



**NRC/NEI Public Meeting  
February 2, 2005**

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## **Agenda**

- **Overview**
  - NRC's Perspective of NEI 04-01
  - NRC History of Combined License (COL) Guidance
- **Review Schedule**
- **NRC Comment Process**
- **Future Milestones**
- **Preliminary Comments and Questions**
  - General
  - Site-Specific Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC)
  - Fire Protection
  - Early Site Permit (ESP)-Combined License (COL) Interface Issues

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## Overview

### NRC's Perspective on NEI 04-01

- Document reflects that the Nuclear Energy Institute (NEI) Combined License Application Task Force has invested significant time and energy in the creation of NEI 04-01, Revision D
- NRC has committed to provide 1st round comments
- NEI 04-01 impacts other new reactor regulatory areas currently being pursued by the NRC and NEI
  - Construction Inspection Program
  - Combined License Operational Program Review
- Current rulemaking to Part 52 will not be discussed
  - Opportunity for public to comment when the re-proposed rule is issued



## Overview

### NRC History of COL Guidance

- SECY-00-0092, Combined License Review Process
- Statement of Consideration for design certification rules



## Review Schedule

- NRC received NEI 04-01, Revision D, on December 21, 2004
- Plan to participate in topic-specific public meetings
  - NRC may provide preliminary comments at these public meetings
- Comment Letters will provide 1st round comments unless otherwise indicated
- Plan to provide all 1st round comments to NEI by June 2005
  - Higher NRC priorities may affect date
- Request that NEI not provide intermediate revisions of NEI 04-01 prior to receiving 1st round comments



## NRC Comment Process

- NRC will comment on what has been excluded, as well as what has been included in NEI 04-01
- NRC comments will be assigned unique number identifying:
  - Section of NEI 04-01
  - Question number
  - Example: 1.1-1 (NEI 04-01, Section 1.1, Comment 1)
- NRC to provide 1st round comments to NEI on a staggered basis
- NRC will track resolution of 1st round comments
  - NEI should address all comments



## Future Milestones

- During December 8, 2004, public meeting, NEI requested that the NRC "endorse" NEI 04-01 after receiving the August 2005 version
- NEI has requested that interactions on NEI 04-01 be completed by the end of 2005
- Schedule for any reviews of revisions to NEI 04-01 will be made after all 1st round comments are issued and/or when NRC receives next revision of NEI 04-01
- Appendices F, G, and H not included in current draft
  - May affect comment schedule because of size of appendices



## Preliminary Comments

### General

- NEI 04-01 should specifically state the scope and applicability of the document
- Discussion concerning pending legislation in the US Congress should be either eliminated or separated (e.g., Page 20, Section 4.2.4)
- Discussion on current rulemaking in 10 CFR Part 52 should be eliminated (e.g., Page 22, Section 4.3.1.1)
- NEI should consider highlighting the specific technical and policy proposals in NEI 04-01 (e.g., Page 23, Section 4.3.1.2, Number 2)
- Language quoted from Commission documents should be repeated verbatim (e.g., Page 28, Section 4.3.5)



## Preliminary Comments and Questions

### Site-Specific ITAAC

- NEI 04-01, Revision D, states the following:
  - ▶ ...Therefore, because there are not Tier 1 interface requirements for the AP1000, the set of ITAAC required for COL would consist of those from the design certification plus ITAAC on emergency planning. There would be not site-specific design ITAAC in a COL application referencing the AP1000 design certification.
- NRC does not agree with this position



## Preliminary Comments and Questions

### Site-Specific ITAAC (continued)

- 10 CFR 52.97(b)(1) states the following:
  - ▶ The Commission shall identify within the combined license the inspections, tests, and analyses, including those applicable to emergency planning, that the licensee shall perform, and the acceptance criteria that, if met, are necessary and sufficient to provide reasonable assurance that the facility has been constructed and will be operated in conformity with the license, the provisions of the Atomic Energy Act, and the Commission's rules and regulations. [emphasis added]



## **Preliminary Comments and Questions**

### **Site-Specific ITAAC (continued)**

- ITAAC are required to verify a complete facility, and are not limited to interface requirements
- COL applicant should describe complete facility and provide ITAAC which verify facility
- NRC anticipates that this will be part of pre-application discussions with COL applicant



## **Preliminary Comments and Questions**

### **Site-Specific ITAAC (continued)**

- AP1000 Design Control Document (DCD) Tier 2, Figure 1.2-2, Site Plan
  - Shows areas that are outside the scope of the design certification but part of the facility
  - ITAAC must include cooling tower and switch yard
- AP1000 DCD, Tier 2 Information, Table 1.7-2, AP1000 System Designators and System Diagrams
  - Specifies AP1000 systems that are in scope, partially out of scope, or out of scope, from design certification
  - Systems listed as partially out of scope or out of scope should have ITAACs included in the COL application



## Preliminary Comments and Questions

### Site-Specific ITAAC (continued)

- COL ITAAC (includes design certification ITAAC) must verify the complete facility
- ITAAC level of detail proportional to safety significance (consistent with design certification)
- Site-specific ITAAC need to verify that portion of facility exists
- Site-specific ITAACs will be discussed with COL applicant



## Preliminary Comments and Questions

### Fire Protection

- What is the basis for excluding certain items from NEI 04-01, Table 4.3.9.9-2, such as the Fire Hazard Analysis?
- What is the basis for the following statement in the last paragraph of Appendix D?
  - ▶ "...The staff has identified that it intends to revisit with stakeholders the Commission-approved COL form and content to discuss addition of the standard fire protection license condition..."



## **Preliminary Comments and Questions**

### **ESP-COL Interface Issues**

- Discussion in NEI 04-01, Section 4.3.9.2.1, inconsistent with 10 CFR 52.79(a)(1) regarding demonstrating design falls within ESP parameters (vs. site characteristics)
- RS-002, Section 4.6, states COL applicant should demonstrate design falls within plant parameter envelope (PPE) values in ESP as well as site characteristics
- Staff expects that, regarding the safety review, PPEs that affect compliance with ESP regulations will appear in the ESP



## **Preliminary Comments and Questions**

### **ESP-COL Interface Issues (continued)**

- NEI 04-01, Section 4.3.9.2.4 - Term used in ESP draft safety evaluation reports to date is "COL action items" (not "COLA information requirements")
- NEI 04-01, Table 4.3.9.2-1 - "ESP" note needs to refer to possibility of COL action items from ESPs
- Comment in Table 4.3.9.2-1, item 2-10 should be generic to all subject areas





## **Preliminary Comments and Questions**

### **ESP-COL Interface Issues (continued)**

- NEI 04-01, Section 4.6 - Environmental review at COL vs that at ESP remains an open issue under review by staff; resolution may not be consistent with wording in Section 4.6 regarding whether "changes would materially affect the ESP FEIS [final environmental impact statement]" and "FEIS remains bounding"
  - Need for environmental report at COL
  - Staff's review product at COL
  - "New and significant information"
  - Basing need for re-evaluation on environmental impact (small, moderate, large)



## **Preliminary Comments and Questions**

### **ESP-COL Interface Issues (continued)**

- NEI 04-01, Section 6.4.2 - How will COL applicant evaluate new information when it is not called upon to obtain such information?
- Stronger emphasis needed on 10 CFR 52.39 as basis for re-evaluating issue resolved at ESP
- NEI 04-01, Section 6.4.3 - Approval of major features at ESP does not mean approval of implementing details
- Staff position is that "decrease in effectiveness" does not apply - See staff's May 30, 2003, letter to NEI